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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,550	05/31/2001	Ralph Lipe	M61.12-0336	8932

7590 01/12/2005

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Minneapolis, MN 55402-3319

EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/871,550	<b>Applicant(s)</b> LIPE ET AL.	
	<b>Examiner</b> Thuy Pardo	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 41-54 and 56 is/are pending in the application.  
4a) Of the above claim(s) 1-40 and 55 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 41-54 and 56 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's Election filed on August 09, 2004 in response to Examiner's Office Action has been reviewed. Applicant elects Group III, claims 41-54, and 56. Claims 1-25, 33-40 and 55 are withdrawn.

2. It should be noted that claims 26-32 were not placed in any of the Groups by mistake in the previous action. However, since claims 26-32 are apparatus claims of claims 1-25, therefore, these claims are placed in Group I.

### **Object to claims**

Claim 56 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form. But in the interest of the compact prosecution, assume claim 56 is an independent claim. Correction is required.

3. Claims 41-54 and 56 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 41-54 and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by **Brumme et al.** (Hereinafter “Brumme”) U.S. Patent No. 6,134,559.

As to claim 41, Brumme teaches the invention substantially as claimed, comprising:  
selecting an object data set for an object from a plurality of object data sets for the object's class, each object data set including the same unique identifier for the object class [primary key identification for the table corresponding to the C-Dept class type, col. 33, lines 13 to col. 34, lines 24; col. 30, lines 17-25];

instantiating the object based on the unique identifier [conversion object from data source to the uniform object model, ab; 810-845 of fig. 14; col. 9, lines 46 to col. 10, lines 67]; and

initializing the object using at least one attribute in the selected object data set [col. 30, lines 58 to col. 31, lines 57; col. 33, lines 54 to col. 34, lines 36].

As to claim 42, Brumme teaches the invention substantially as claimed. Brumme further teaches locating the object data set [440 of fig. 15; col. 33, lines 13 to col. 34, lines 24; col. 30, lines 17-25]; instantiating an object token [conversion object from data source to the uniform object model, ab; 810-845 of fig. 14; col. 9, lines 46 to col. 10, lines 67]; and initializing the object token to point to the object data set [col. 30, lines 58 to col. 31, lines 57; col. 33, lines 54 to col. 34, lines 36].

As to claim 44, Brumme teaches the invention substantially as claimed. Brumme further teaches having the instantiation method of the object token call an initialization method exposed by the object to set a pointer to the object token in the object [col. 32, lines 57-66].

As to claim 45, Brumme teaches the invention substantially as claimed. Brumme further teaches having the initialization method in the object access attributes through the pointer to the object token and having the initialization method use at least one accessed attribute to initialize the object [col. 32, lines 57-66; col. 30, lines 58 to col. 31, lines 57; col. 33, lines 54 to col. 34, lines 36].

As to claim 46, Brumme teaches the invention substantially as claimed as specified in claims 41-45 above. Brumme further teaches that a second set of object data for the object class wherein the second set of the object data comprises a second entry containing the same unique identifier for the object class as the first entry and at least one attribute of the object class that is

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different from the at least one attribute of the first set of the object data [the same object located in different locations: foreign object systems and uniform object model systems, ab; col. 35, lines 60 to col. 36, lines 8].

As to claim 50, Brumme teaches the invention substantially as claimed. Brumme further teaches that the first set of object data and the second set of object data are both found in a registry in a local computer [300-340 of fig. 4; fig. 12].

As to claim 51, Brumme teaches the invention substantially as claimed. Brumme further teaches that the first and second sets of object data are both found under a token key [300-340 of fig. 4; col. 33, lines 54-65].

As to claims 47-49, 52-56, all limitations of these claims have been addressed in the analysis of claims 41-51 above, and these claims are rejected on that basis.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is 571-272-4082. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at 571-272-4083.

The fax phone number for the organization where this application or proceeding is assigned are as follows: (703) 872-9306 (Official Communication)

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and/or:

571-273-4082 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

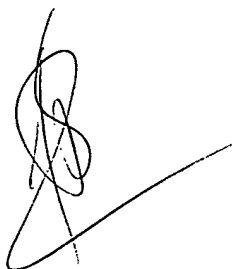
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

January 07, 2005

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

**THUY N. PARDO**  
**PRIMARY EXAMINER**